

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RASHID BISSAT,

Case No. 1:21-cv-01649-JLT-SKO

Plaintiff,

v.

CITY OF VISALIA, A CALIFORNIA
MUNICIPAL CORPORATION AND
CHARTER CITY

Defendant.

**ORDER CONTINUING SETTLEMENT
CONFERENCE AND REQUIRING
PLAINTIFF TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT ISSUE FOR
FAILING TO COMPLY WITH THE
COURT'S ORDER**

TEN DAY DEADLINE

Procedural Background

On November 12, 2021, Plaintiff Rashid Bissat filed the complaint in this action. (Doc. 1.) Defendant City of Visalia filed its answer on March 4, 2022. (Doc. 8.) On December 19, 2022, the Court set a Settlement Conference for May 11, 2023, and issued an “Order re Settlement Conference.” (Docs. 14, 15). The parties were required to submit a confidential settlement statement to the Court no later than fourteen days before the conference date. (Doc. 15 at 2.) The Court did not receive a statement from Plaintiff.

Although the Court received the Defendant’s confidential statement in a timely manner, it reflected that Plaintiff had not responded to Defendant’s attempts to meet and confer as required by the Court. The parties were also required to appear for a pre-settlement telephonic discussion with the undersigned on May 4, 2023. (*See id.* at 4.) Defendant appeared; Plaintiff did not.

1 On May 8, 2023, the Court issued an Order to Show Cause (Doc. 17) requiring Plaintiff to
2 demonstrate why the Court should not issue sanctions for failing to comply with the order (Doc.
3 15). Plaintiff's attorney Zishan Lokhandwala filed a declaration on May 17, 2023 (Doc. 18),
4 explaining that their failure to submit a confidential settlement conference statement and to appear
5 at the pre-settlement telephonic conference was due to their "lack of familiarity with this Court as
6 this is [their] first case before this Court." (*Id.* at 2.) The Court discharged the Order to Show
7 Cause. (Doc. 19.) The Court noted that "familiarity with this Court's local rules, orders, and
8 procedures is a requirement to practice in this Court (*see* E.D. Cal. Local Rule 180), and [the
9 Court] CAUTIONS Attorney Lokhandwala that strict compliance with these rules, orders, and
10 procedures is expected going forward; any further 'lack of familiarity' will not be countenanced."
11 (*Id.*)

12 On October 10, 2023, the Court set a Settlement Conference for November 21, 2023.
13 (Doc. 20, the "Order"). Again, the Order required the parties to submit a confidential settlement
14 statement to the Court no later than fourteen days before the conference date (*Id.* at 2). Plaintiff
15 again failed to do so. The Order also required the parties to appear for a pre-settlement telephonic
16 discussion with the undersigned on November 14, 2023. (*Id.* at 4). Defendant appeared and
17 Plaintiff did not. Defendant indicated that Plaintiff again has been nonresponsive to their
18 communications.

19 **Continuance of Settlement Conference**

20 Since Plaintiff has failed to comply with the Court's Order, the November 21, 2023,
21 settlement conference shall be continued to February 13, 2024. Another "Order re Settlement
22 Conference" will be issued prior to the settlement conference setting forth the requirements for the
23 settlement conference. However, the settlement conference will not go forward unless Plaintiff
24 meets and confers with Defendant in good faith and prior to the settlement conference and submits
25 a meaningful confidential settlement statement to the Court, in compliance with the Order.

26 **Order to Show Cause**

27 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules
28 or with any order of the Court may be grounds for imposition by the Court of any and all sanctions

1 . . . within the inherent power of the Court.” The Court has the inherent power to control its
2 docket and may, in the exercise of that power, impose sanctions where appropriate, including
3 dismissal of the action. *Bautista v. Los Angeles Cty.*, 216 F.3d 837, 841 (9th Cir. 2000).

4 Plaintiff is required to show cause why sanctions should not issue for the failure to meet
5 and confer with Defendant, to submit its confidential statement, and to appear for the pre-
6 settlement telephonic discussion in compliance with the Order, especially in light of Plaintiff’s
7 earlier warning from the Court.

8 **Order**

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The settlement conference set for November 21, 2023, is CONTINUED to
11 February 13, 2024, at 10:30 a.m. before Magistrate Judge Sheila K. Oberto; and

12 2. Within ten (10) days from the date of service of this order, Plaintiff shall show
13 cause in writing why sanctions should not issue for the failure to comply with the Order.

14
15 IT IS SO ORDERED.

16 Dated: **November 16, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE